

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: RILEY NEWTON
DEPUTY ATTORNEY GENERAL**

DATE: OCTOBER 7, 2021

**SUBJECT: IN THE MATTER OF A FORMAL COMPLAINT CONCERNING
GRANDFATHERING OF SOLAR PANELS; CASE NO. IPC-E-21-34.**

BACKGROUND

On May 28, 2021, Randall Valley (“Complainant”), a residential Idaho Power Company (“Company”) customer with a current on-site generation system lodged a formal complaint (“Complaint”) with the Commission. In the Complaint, Complainant disagreed with Idaho Power Company’s (“Company”) position that ten solar panels Complainant installed in November 2019 would not be “grandfathered in” under the Company’s net metering rules.

Before filing the Complaint, Complainant registered an informal complaint with the Idaho Public Utilities Commission’s consumer assistance staff (“Staff”) regarding the same matter that is subject of the Complaint. Staff could not informally resolve the dispute between the Complainant and the Company.

THE COMPLAINT

Commission Rule 22 “encourages the use of informal proceedings to settle or determine cases.” IDAPA 31.01.01.022. *See also* IDAPA 31.01.01.054.05 (“[t]he Commission encourages the use of informal proceeding (see Rules 21 through 26) to resolve or settle formal complaints.”) “The Commission shall determine how a formal complaint should be processed, e.g., issuance of a summons, open an investigation, informal procedure with Staff.” IDAPA 31.01.01.054.05.

The Complainant alleges the following in the Complaint:

1. Complainant asserts he has fifty-three solar panels with the last ten installed in November of 2019.

2. Complainant asserts that he received notice from the Company on January 15, 2020, that to be “grandfathered” his installer needed to send the Company proof that his last ten panels were installed before December 19, 2019. Complainant asserted his installer assured him that it sent the necessary documents to the Company.

3. Complainant alleges that he emailed the Company on January 18, 2020, to make sure the Company had his information.

4. Complainant alleges the Company responded by email on January 21, 2020, representing that it had received his documents and didn’t need anything further at that time.¹

5. Complainant asserts that in November of 2020, the Company notified him that the last ten panels he installed would not be grandfathered unless it received “several documents” before December 20, 2020.

6. Complainant represents that his installer couldn’t provide the necessary documents to the Company on this short notice.

7. Complainant also asserts that if the Company hadn’t stated it had received everything it needed on January 21, 2020, he would have made sure that all necessary documents were timely provided.

8. Complainant asserts that to keep his first forty-three panels grandfathered will be costly and make the last ten panels almost useless. Complainant states that he would have to install a second meter and would incur an additional monthly charge.

9. Complainant represents that he would not use most of the power generated by the new 10 panels so he would receive credits at a much lower rate.

In conclusion, the Complainant requests more time to meet the requirements of grandfathering for the last ten panels he installed.

STAFF RECOMMENDATION

The Complaint concerns the rule pronounced in Commission Order No. 34509 governing grandfathering status for customers with on-site generation systems—i.e., net-metering rules. Currently, if a customer: (1) had an on-site generation system interconnected with the Company’s system on December 20, 2019, or (2) had made binding financial commitments to install an on-site generation system as of December 20, 2019 and proceeded to install and interconnect the system within one year, the previously installed or newly installed on-site generation system would be governed by the net-metering terms and

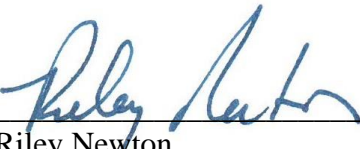
¹ See Company email attached to the Complaint.

rules in place when such system was designed and/or installed. *See* Order No. 34509 at 2-3, 13-14 (emphasis added); *see also* Order No. 34546 at 8-9 (clarifying that it is the *system* that receives and maintains grandfather status not the *customer*).

To build a record to assist the Commission in reviewing and rendering a decision on the Complaint, Staff recommends the Commission issue a Summons requiring the Company to answer the Complaint within 21 days of issuance of the Summons.

COMMISSION DECISION

Does the Commission wish to issue a Summons requiring the Company to answer the Complaint within 21 days of issuance of the Summons?



Riley Newton
Deputy Attorney General

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